

CPA/116481  
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**CONTINUED PROSECUTION PATENT  
APPLICATION TRANSMITTAL**

(for Continued Prosecution Applications  
under 37 C.F.R. §1.53(d))

Attorney Docket No. 7392/71226

First Named Inventor: SMIT et al.  
Total Pages: 4

July 13, 2001



**REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA)  
UNDER 37 C.F.R. §1.53(d)**

Box CPA  
Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a  
Continued Prosecution Application  
(CPA) under 37 C.F.R. §1.53(d)  
which is a:

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
) "Express Mail" Mailing Label Number \_\_\_\_\_  
) \_\_\_\_\_  
) Date of Deposit \_\_\_\_\_  
) I hereby certify that this paper or fee is being  
) deposited with the United States Postal Service  
) "Express Mail Post Office to Addressee" Service  
) under 37 CFR §1.10 on the date indicated above and  
) is addressed to the Commissioner of Patents and  
) Trademarks, Washington, D.C. 20231.  
) \_\_\_\_\_  
) (Typed or printed name of person mailing)  
) \_\_\_\_\_  
) (Signature of person mailing)  
) \_\_\_\_\_

- (X) Continuation application,  
( ) Divisional application,

of pending prior nonprovisional application number 08 /807,506, filed on  
February 26, 1997, entitled Gradual Modification, Super-Agonists and  
Antagonists of Signal-Proteins and Peptides

by the following named inventor(s) identified by full name, citizenship,  
residence and post office address, which are the same or fewer than all of  
the inventors named in the prior nonprovisional application (as of today's  
date):

- Victor SMIT - The Netherlands - Vinkenlaan 29, NL-2623, GG DELFT, the  
Netherlands  
  
Willem HUPPES - The Netherlands - Loosdrechtseweg 44, NL-1215 JX,  
Hilversum, the Netherlands

UNCLASSIFIED RELEASED 00000017 0807500

The above-identified prior nonprovisional application, in which no payment  
of the issue fee, abandonment of, or termination of proceedings, has  
occurred, is hereby expressly abandoned as of the filing date of this  
request for a continued prosecution application. Please use the file  
jacket and all the contents of the prior nonprovisional application,  
including the specification, drawings, and the oath or declaration, as  
the basic papers for the new continued prosecution application. (Note:  
37 C.F.R. §1.53(b) may be used for applications where the prior application  
is not to be abandoned.)

1. ( ) Because this continued prosecution application is filed by fewer than all of the inventors named in the prior nonprovisional application, please delete from this application the following inventor(s) named in the prior nonprovisional application:
- \_\_\_\_\_
- \_\_\_\_\_.

2. (X) Priority of application number 9401404 filed on 31 August 1994 in the Netherlands and application number 1000332 filed on 10 May 1995 in the Netherlands are claimed under 35 U.S.C. §119.

✓ ( ) The certified copy of the priority document has been filed in prior application number     /    , filed                     .

( ) A certified copy of the priority document is enclosed.

3. ( ) An Information Disclosure Statement is enclosed.

( ) A Form PTO-1449 is enclosed.

( )          References (copies) listed on the Form PTO-1449 are enclosed.

4. ( ) A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

5. (X) A Return Receipt Postcard is enclosed (MPEP §503).

6. ( ) Small Entity Status (37 C.F.R. §1.28(a)(2)):

( ) A statement of status as small entity is enclosed.

( ) A statement of status as small entity was filed in the prior, nonprovisional application, and small entity status is still proper and desired in this new nonprovisional application.

( ) Status as a small entity is no longer claimed.

7. ( ) Enter the amendment previously filed on                      under 37 C.F.R. §1.116, but unentered, in the prior nonprovisional application.

- (X) A preliminary amendment to the prior nonprovisional application (as it existed prior to the filing of this new application) requesting new changes to the prior nonprovisional application is enclosed, and does not introduce new matter into the prior or new application.

9. (X) The filing fee is calculated below:

Fee Calculation under 37 C.F.R. §1.16 For Claims Existing in the Prior Nonprovisional Application, As Amended at 7 and 8 Hereinabove		
( ) Basic Utility Fee	\$710.00	\$ <u>710.00</u>
• ( ) Independent Claims ____ - 3 = ____ x \$ 80.00 = \$ ____		
• ( ) Total Claims ____ - 20 = ____ x \$ 18.00 = \$ ____		
• ( ) Fee for Multiply Dependent Claims	\$270.00	\$ ____
or		
( ) Basic Design Fee	\$ 310.00	\$ ____
Total of above Calculations		\$ ____
Reduction by 50% for Filing by Small Entity		\$ ____
Total		\$ <u>710.00</u>

10. (X) The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. §§1.16 and 1.17 and are not paid herewith, or credit any overpayment, to Deposit Account Number 06-1135. A duplicate copy of this request is enclosed.

11. (X) A check in the amount of \$710.00 is enclosed.

12. ( ) The prior nonprovisional application is assigned of record to \_\_\_\_\_.

13. (X) The power of attorney in the prior nonprovisional application is to:

(X) Kendrew H. Colton, Reg. No. 30,368,

FITCH, EVEN, TABIN, & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
and other members of the firm.

(X) Customer Number 22242.

14. ( ) A new power of attorney or authorization of agent is enclosed.

15. (X) Also enclosed: Petition for Extension of Time (2-months-\$390.00)


16. (X) Address all future communications to Customer Number 22242.



It is understood that confidentiality by the applicants under 35 U.S.C. §122 is hereby waived to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning either the prior nonprovisional application, or any continuing application filed under 37 C.F.R. §1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

July 13, 2001

(Date)

  
Kendrew H. Colton

Registration No. 30,368

(X) Attorney of record

( ) Inventor(s)

( ) Assignee

( ) Filed under §1.34(a)

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TECH CENT  
PAT 1600/2900

PATENT

Attorney Docket No. 7392/71226



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

SMIT et al.

Application No.: 08/807,506

Filed: February 26, 1997

Art Unit: 1648

Examiner: R. Budens

For: GRADUAL MODIFICATION, SUPER-AGONISTS AND ANTAGONISTS OF  
SIGNAL PROTEINS AND PEPTIDES

July 13, 2001

PRELIMINARY AMENDMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Prior to the examination of the above-identified patent application, please enter the following amendments and consider the following remarks.

IN THE SPECIFICATION:

Page 4, before the fifth line from the bottom, insert:

Brief Description of the Figures

Figure 1 graphically illustrates that the modified IL-3 is capable of inhibiting control-IL-3.

Figure 2 relates to the inhibiting activity of a partially modified IL-3.

Figure 3 relates the Electrospray Mass Spectrometry (EMS) of succinylated IL-3 at pH 5-7.

Figure 4 presents mass spectrometry for a localized modification with succinic anhydride (pH 5.0) and subsequent peak shift following Endo Lys-C digestion.

Figure 5 presents mass spectrometry relating to detection of modification of Lys<sup>28</sup> with acetic anhydride by both Endo Glu-C treatment and by Endo Lys-C treatment, respectively.